

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 662 OF 2006

Rajan Laxman Achrekar
and Ors.

....Applicants.

V/s

The State of Maharashtra
at the instance of
Sawantwadi Police Station

....Respondent.

Mr. A.P. Mundargi with Mr. S.R. Mithare for the
applicants.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 14th March 2006

P.C.

1. Heard the learned Counsel for the applicants and

the learned APP for the State.

2. The applicants were arrested in connection with
C.R. No. 101 of 2005 registered at Sawantwadi Police
Station for the offence punishable under sections 307,
324, 325, 148 & 149 of the Indian Penal code.

3. It is alleged that there was a dispute in the
village over the agricultural land between the
applicants and the complainant and hence criminal
complaints were filed by both the parties against each
other. It is alleged that on the date of the incident

about 11 accused entered the house of the complainant and assaulted all the members of the family with sticks and scythe and other weapons. As a result of the assault, number of persons suffered grievous injuries. The leg of one person had to be amputated. The hand of another person also had to be amputated. Several injured persons suffered fracture injuries. The women and kids from the house also were not spared.

4. It is submitted by the learned counsel appearing on behalf of the applicants that the applicants were carrying sticks and, therefore, their role could be distinguished from the role of the other persons who had caused grievous injuries. It is submitted that intention of the applicants could not be said to kill the complainant and his family members. It is submitted that the injuries which were found on the persons of the victims, at the highest, could be said to be simple injuries and the present applicants were carrying sticks.

5. It is not possible to accept the submissions of the learned Counsel appearing on behalf of the applicants. I have perused the order passed by the Sessions Court. The Sessions Court has given cogent

reasons for dismissing the application of the applicants. The Sessions Court has taken into consideration various factors and circumstances while rejecting their application for bail. I fully endorse the said reasoning which is given by the Additional Sessions Judge. It appears that several civil and criminal disputes are pending between the parties. After two persons from complainant's family were released on bail, the present incident had taken place. There is every possibility of recurrence of the similar situation as happened in the past, if the applicants are released on bail. It is difficult to say whether the applicants have shared or not shared the common intention with the other applicants who were carrying lethal weapons. Under these circumstances, this is not a fit case for grant of bail.

6. The application for bail is accordingly rejected.

7. Application is disposed of.

V.M. KANADE, J.